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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,342	10/28/2003	Rulldolf J. Hofmeister	15436.253.66.1	5604

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EXAMINER

NGUYEN, DUNG T

ART UNIT	PAPER NUMBER
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2828

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,342

Applicant(s)

HOFMEISTER ET AL.

Examiner

Dung (Michael) T. Nguyen

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-33 is/are pending in the application.
- 4a) Of the above claim(s) 34-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-32 is/are rejected.
- 7) ☒ Claim(s) 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/18/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species I (claims 22-33) in the reply filed on 02/14/06 is acknowledged.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-24, 26, and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Brien et al. (6560255).

With respect to claims 22, 24, 29, and 31-32, O'Brien et al. show in Fig.2 a test and configuration system, comprising:

a temperature control device (TEC) configured for thermal communication with one or more optoelectronic transceivers (laser 18);

an optical signal analyzer (column 1, lines 32-41) configured and arranged to communicate with an optoelectronic transceiver that is thermally coupled with the temperature control device;

Art Unit: 2828

a host system (PC 12) configured for communication with the temperature control device, any optoelectronic transceivers that are thermally coupled with the temperature control device, and with the optical signal analyzer, the host system comprising:

- a central processing unit (PC);

- a user interface (keyboard); and

- a memory (it is understood a PC must have a memory) that is configured to communicate with the central processing unit and the user interface, where the memory stores:

 - an operating system (inputs from photodetectors 38 and 42);

 - control parameter setup procedures (TEC);

 - operational requirement settings (TEC current driver 46); and

 - temperature compensation values (laser temperature from thermistor 44);

- a data bus (data input to 56) configured to couple the host system with any optoelectronic transceivers thermally coupled with the temperature control device; and

- a control bus (from PC 12 to laser 18) configured to couple the host system with any optoelectronic transceivers thermally coupled with the temperature control device.

With respect to claims 23 and 26, O'Brien et al. show in Fig.2 the data bus is configured to carry test data patterns (data from thermistor and photodiodes 38 and 42).

With respect to claim 30, O'Brien et al. disclose, in Fig.2 and in the title, the test and configuration system is configured to operate in connection with a plurality of optoelectronic transceivers (laser modules) simultaneously.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (6560255) in view of Chieng et al. (6862302).

With respect to claim 25, O'Brien et al. disclose all limitations of the claim except for the memory stores extinction ratio and optical power level setup procedures.

Chieng et al. teach in Table 1, Step 1 the memory stores extinction ratio and optical power level setup procedures.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide O'Brien et al. what is taught by Chieng et al. in order to ensure the laser transceiver meet the eye safety standards (Table 1).

With respect to claims 27-28, O'Brien et al. the temperature compensation values relate to the computation of temperature compensation and jitter minimization values at various temperatures (column 2, lines 1-5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide O'Brien et al. what is taught by Chieng et al. in order to maintain the good optical performance of a laser.

Art Unit: 2828

Allowable Subject Matter

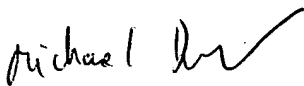
Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. O'Brien et al. and Chieng et al. prior art fail to disclose the limitations as disclosed in claim 33.

Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (571) 272-1949. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Min Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.



Michael Dung Nguyen

4/28/06